

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

GARY K. THOMAS,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:07-cr-84
	)	1:09-cv-305
	)	<i>Jordan</i>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as time-barred and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**ENTER:**

\_\_\_\_\_  
s/ Leon Jordan

United States District Judge

ENTERED AS A JUDGMENT

\_\_\_\_\_  
s/ Patricia L. McNutt

CLERK OF COURT